



TOWN OF MANCHESTER-BY-THE-SEA POLICE DEPARTMENT

10 CENTRAL STREET, P.O. BOX 306 MANCHESTER-BY-THE-SEA, MA 01944

TEL: 978-526-1212 • FAX: 978-526-2002

TODD J. FITZGERALD
INTERIM CHIEF OF POLICE

September 17, 2019

**Louise Boyle
Muckrock News
411A Highland Ave
Somerville, MA 02144**

RE: Response of Records Access Officer

Dear Ms. Boyle,

This letter serves as an addition to the letter previously sent by our department on September 9th, 2019. **Enclosed are additional public records in the form of emails**, in regards to the below request for records:

On Tuesday, August 27th, 2019, I received your request pursuant to the Massachusetts Public Records Law for the following records:

- "...all 911 calls, dispatcher logs, police reports, notes or emails relating to, or making mention of, Ghislaine Maxwell and Scott Borgerson at 301 Summer Street, Manchester-by-the-Sea, MA, from January 1, 2015 to date."

After reviewing your request I have determined that some of these records are public and others are exempt. The following exemptions apply:

1. Chapter 41, Section 97D: All reports of rape and sexual assault or attempts to commit such offenses, all reports of abuse perpetrated by family or household members, as defined in section 1 of chapter 209A, and all communications between police officers and victims of such offenses or abuse shall not be public reports and shall be maintained by the police departments in a manner that shall assure their confidentiality; provided, however, that all such reports shall be accessible at all reasonable times, upon written request, to: (i) the victim, the victim's attorney, others specifically authorized by the victim to obtain such information, prosecutors and (ii) counselors as defined in section 20k or chapter 233, sexual assault counselors as defined in section 20j of chapter 233, if such access is necessary in the performance of their duties; and provided further that all such reports shall be accessible at all reasonable times, upon written, telephonic, facsimile or electronic mail request to law enforcement officers, district attorneys or assistant district attorneys and all persons authorized to admit persons to bail pursuant to section 57 of chapter 276. Communications between police officers and victims of said



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offenses and abuse may also be shared with the forgoing named persons if such access is necessary in the performance of their duties. A violation of this section shall be punished by imprisonment for not more than 1 year or by a fine of not more than \$1,000, or both such fine and imprisonment.

2. Massachusetts General Law Ch. 4, Sec. 7(26)(c): personnel and medical files or information; also any other materials or data relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy.
3. The names of voluntary witnesses and complainants have also been redacted from the enclosed police records pursuant to exemption (f) of the Public Records Law. Exemption (f) applies to: investigatory materials necessarily compiled out of the public view by law enforcement or other investigatory officials the disclosure of which materials would probably so prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest. One purpose of this exemption is to avoid premature disclosure of investigatory information prior to trial or other process for resolving the matters being investigated, and the prevention of disclosure of confidential investigative techniques, procedures or sources of information. WBZ-TV4 v. District Attorney for the Suffolk District, 408 Mass. 595, 601 (1990); Bougas v. Chief of Police of Lexington, 371 Mass. 59, 62 (1976). Exemption (f) has also been held to allow investigative officials to provide an assurance of confidentiality to persons so that they will speak openly about matters under investigation. Bougas, 371 Mass. at 62. Following the Police Department's careful review of its records, please be advised that identifying details regarding voluntary complainants and witnesses have been withheld pursuant to exemption (f). In addition, the social security numbers and driver's license numbers of individuals identified in the police records are being redacted under exemption (a) of the Public Records Law pursuant to G.L. c. 93H.

Some reports, therefore, do not constitute a public record and will not be released.

Please be further advised that the enclosed, non-exempt records are being provided on this occasion only, at no charge.

You may appeal this response to the Supervisor of Public Records pursuant to 950 CMR 32.08(1)(d). By law, the Supervisor is required to respond within 10 business days of receipt of



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your appeal. You may also seek judicial review of an unfavorable response by commencing a civil action in the superior court, under G.L. c. 66, §10A(c).

Please be advised that pursuant to 950 CMR 32.00 and Massachusetts General Law Chapter 66 Section 10A(a) you have the right to appeal this decision to the Supervisor of Public Records within 90 calendar days. Such appeal shall be in writing, and shall include a copy of the letter by which request was made and, if available, a copy of the letter by which the custodian responded. The Supervisor shall accept an appeal only from a person who had made his or her record request in writing. Pursuant to MGL Ch 66 S 10A(a), you also have the right to seek judicial review by commencing a civil action in the superior court.

Copies of reports not exempted from release are attached. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Jennifer M. Gilson", is written over a horizontal line.

Officer Jennifer M. Gilson
Records Access Officer

Todd Fitzgerald

From: Todd Fitzgerald
Sent: Wednesday, August 21, 2019 1:59 PM
To:
Cc: Chris Locke
Subject: RE: Thank you and where to go from here...

Hi
Thanks for the update and I'm glad things are settling down. We will continue the extra patrols of the area so I would let your friends know that we will be in the area. Hope you have a great time away and I will pass along the dog complaint to the Animal Control Officer.

Todd



Todd J. Fitzgerald
Interim Chief of Police

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From: [mailto:
Sent: Wednesday, August 21, 2019 12:40 PM
To: Todd Fitzgerald
Cc: Chris Locke
Subject: Re: Thank you and where to go from here...

Hi Chief,

Thankfully all quiet on the western front here at 301 Summer. I'm reaching out with a brief update:

- * things seem back to normal for several days now, fingers crossed it stays that way. Thank you again for your department's extraordinary professionalism over the past week.
- * I've put up a number of additional security cameras, and so the house is blanketed 360 - I've also posted additional "no trespassing" signs all along the driveway, and I see the have put up three additional cameras monitoring the approach to the house from Summer Street, so we have to be the most monitored home in MBS!
- * I'm taking my family camping in NH for the next four days. Several military/intelligence friends will be house sitting for me while I'm away. They have MPD's number in the event something comes up.
- * FYI, I am also in touch with former Boston police commissioner Ed Davis and his security firm who says he knows you and that you have worked well together in the past. We've agreed they will remain on standby, and they will coordinate our personal security should we again come under siege.

Lastly, in the you can't make this up bucket, attached are several pictures of German Shepard stalking my house today. This same dog mauled the previous owners dog a few years ago nearly killing it, this

dog succeeded in attacking and killing a fox behind my house last year (in front of my kids), and otherwise is a menacing presence on the loose.

On the one hand, I like this beast patrolling the estate to eat an intruder, on the other hand, it needs to stay off my property. I can't find the phone number for a dog catcher should it come up onto my deck again. Can you please point me to that?

Thank you, and I hope you have a super quiet and restful weekend!

Semper,

P.s. sorry again to bother you with any of this, you have more important stuff to do.

On Aug 18, 2019, at 14:25,

wrote:

Hi Chief,

First, your team is awesome. I live at 301 Summer (we spoke on Thursday just after your officers intercepted a reporter attempting to enter my house) and MPD has been incredibly professional and responsive over the last 96 hours. So thank you. I've been blown away by your extraordinary department.

I was wondering if you had time to swing by my house on Monday between 10-noon when we might chat in person. I was hoping we could discuss:

- * what are my rights if a tabloid journalist tries to enter my home again? To what degree am I allowed to physically engage them?

- * same for if (when) I catch one of these creeps in the bushes outside of my home. They would be trespassing. What I would like to do is to detain them and then call MPD once the subject is "secured." I am thinking level 4 use of force. I am starting physical patrols of my property today on a random and rotating schedule.

- * My ex-wife and I are taking the kids camping in the NH mountains on Wednesday to get the hell out of here. But I'm nervous about leaving my home unattended under the circumstances. Some of my military buddies may come hold down the fort.

If they do, I'll introduce them to MPD so that there is a line of communications. And we'll need to know the rules of engagement with these creeps harassing me so the calvary stay on the right side of the line. I'm trying to balance restraint (and my waning patience) with not escalating the situation inappropriately under constant harassment.

Things were quiet yesterday after a hellish Thursday/Friday, but another "journalist" - stalker - showed back up this morning who I spotted when leaving home with my son to go to Toodaloos in Gloucester to buy a birthday present for his sister. I practiced standard evasive maneuvers, dropped off my son at his mother's, and then was beginning my approach (where I learned Hickory Hill can't be entered from the north.) When chance would have it, Officer Locke just happened to be passing by literally seconds before my engagement which defused the situation. Lucky. Pictures attached.

What is really starting to get my blood boiling is a fear for the safety of my children. They will be protected.

And my apologies again that you have to deal with this. It sucks. And I didn't ask for it (thanks

. Attached is what set off this whole thing which she is trying to punish me for, and I wanted you to have this letter from the Town to them as well for your records in its enforcement.

Respectfully,

<305 Summer Street zoning enforcement.pdf>

<IMG_0869.jpeg>

<IMG_0871.jpeg>





